COMPLETED

99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
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ALEXANDER LOCKWOOD

APRIL 9, 1986.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. BRYANT, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 3323]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3323), for the relief of Alexander Lockwood, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Line 6, after the word "petition" strike all that follows and insert in lieu thereof the following:

> which shall be eligible to be filed in his behalf in the United States by Mr. and Mrs. Donald Lockwood, citizens of the United States, pursuant to section 204 of the Act, and thereafter the beneficiary shall be eligible for processing under section 245 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. *Provided further,* That the immigration status authorized under this Act shall only be effective if Mr. and Mrs. Donald Lockwood file a petition within two years after the date of enactment of this Act.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the adjustment of status to that of permanent residence in the United States of the adopted son of citizens of the United States. The bill has been amended to provide that the relief be sought within two years of enactment.

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STATEMENT OF FACTS

The beneficiary is a 22-year-old native and citizen of Venezuela who entered the United States December 11, 1981 as a visitor. He was adopted April 27, 1982 in the United States and is currently attending school. The adoptive parents have 5 children, two of whom are married. They suffered the loss of a ten-year-old child who died from a rare form of juvenile diabetes, and subsequently the adoptive mother's sister in Venezuela located the beneficiary for adoption. The adoptive parents have assets of $93,000 in real estate. A favorable home study has been submitted.

The pertinent facts in this case are contained in a letter dated January 28, 1986, from the Commissioner of the Immigration and Naturalization Service to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, January 28, 1986.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 3323) for the relief of Alexander Lockwood, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the 21-year-old adopted son of Mr. and Mrs. Donald H. Lockwood, Sr., citizens of the United States, may be classified as a child within the meaning of section 101(b)(1)(F) of the Immigration and Nationality Act and be granted immediate relative status. The bill further provides that the natural parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Act.

It should be noted that the beneficiary, although not an orphan, was released for adoption by his natural mother, was adopted in the United States, has resided with and been in the legal custody of the adoptive parents for more than two years, and is in the United States. He, therefore, most closely fits the definition of an adopted child in section 101(b)(1)(E) of the Act. The Committee may wish to amend the bill.

Absent enactment of the bill, the beneficiary, a native of Venezuela, would be chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner,
(S) Marvin T. Ely
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

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MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 3323

The beneficiary, Alexander Lockwood, whose name prior to his adoption was Alejandro Alberto Quintero-Granados, a native and citizen of Venezuela, was born May 10, 1964. He resides in Chicago, Illinois with his adoptive parents and four of their natural born children. He obtained a high school education in Venezuela and is currently attending the University of Illinois in Chicago. He is employed, without authorization, part time as a clerk with Dominick's Finer Foods in Chicago, Illinois earning $4.10 per hour. His natural mother resides in Venezuela with his 22-year-old sister. His natural parents were divorced before his birth and the whereabouts of his natural father is unknown.

The beneficiary entered the United States on December 11, 1981 at Miami, Florida as a visitor for pleasure. He received one extension and was authorized to remain in the United States until June 1982. Deportation proceedings have not been instituted against the beneficiary.

Mr. and Mrs. Donald H. Lockwood, Sr., the interested parties, became aware of the beneficiary through Mr. Lockwood's sister and brother-in-law, Mr. and Mrs. Searfoss, who are missionaries in Venezuela. The beneficiary, his natural mother, and sister were all members of a church pastored by Mr. Searfoss and were acquaintances of Mr. and Mrs. Searfoss. Mrs. Lockwood stated that her brother-in-law called her and told her about the beneficiary. The idea of adopting the beneficiary was discussed and she stated that she did not want to commit herself at that time because she wanted to meet the beneficiary. Mrs. Lockwood did not know if the topic of the adoption was discussed between her brother-in-law and the natural mother prior to the beneficiary's entry into the United States, although the natural mother gave her permission for the beneficiary to come to the United States. Mrs. Lockwood stated that after she met and got to know the beneficiary that she knew she wanted him to be her son. On February 16, 1982, the natural mother executed a certificate of consent for adoption before the Vice Consul of the United States of America, Caracas, Venezuela. On April 27, 1982, the beneficiary was adopted by Mr. and Mrs. Lockwood in the Circuit Court of Cook County, Chicago, Illinois. He has resided with the interested parties since his entry into the United States.

The interested parties, Mr. and Mrs. Donald H. Lockwood, Sr., are natives and citizens of the United States. They reside in Chicago, Illinois with the beneficiary and four of their natural born children. Mr. Lockwood was born on March 13, 1935 in Eastland, Tennessee. He is currently employed by the Ford Motor Company as an automotive assembler earning $50,000 a year excluding overtime. Mrs. Lockwood, whose full name is Kathryn Lor-

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raine, was born November 19, 1938, in Sycamore, Illinois. She obtained a high school education and attended Daley City College and received a certificate in food sanitation. She is currently unemployed. They were married on March 13, 1954 in Clinton, Iowa. They claim assets of about $92,900 in real estate and stocks and savings and a liability in the amount of a $37,000 mortgage. There are five natural born children of this marriage, whose birth dates are May 7, 1968, September 23, 1970, October 1, 1974, October 5, 1958, and December 31, 1963. Two of their children are married and are not dependent on them for support.

A copy of the consent of adoption and adoption decree are attached.

IN THE CIRCUIT COURT OF COOK COUNTY, COUNTY DEPARTMENT—COUNTY DIVISION

No. 82 CO A 405

IN THE MATTER OF THE PETITION OF DONALD H. LOCKWOOD AND KATHRYN L. LOCKWOOD, HUSBAND AND WIFE,

to adopt

ALEJANDRO ALBERTO QUINTERO GRANADOS, A MINOR

JUDGMENT ORDER FOR ADOPTION

This cause coming on to be heard on the Petition for Adoption, the Consent of the mother, the Answer of the Guardian ad Litem for the child sought to be adopted, and the default of the father having been previously entered herein, and the Investigator heretofore appointed by this Court having presented its report in writing, and

It appearing to the Court that the return date designated in the summons has passed and that notice for the entry of this Judgment Order has been given to all necessary parties, and

The Court having heard all the evidence and now being fully advised in the premises, Finds that:

1. It has jurisdiction of the parties to this cause and the subject matter hereof.

2. The petitioners herein and the child sought to be adopted have appeared personally in open Court.

3. The petitioners herein are husband and wife, of lawful age, under no legal disability, and they reside in the City of Chicago, County of Cook, and State of Illinois. Each of the petitioners has resided in the State of Illinois for a period in excess of six months immediately preceding the filing of the Petition for Adoption in this cause.

4. The petitioners desire to adopt Alejandro Alberto Quintero Granados, a male minor child who is about 17 years of age and who was born on the 10th day of May 1964, at the City of Caracas, Republic of Venezuela. The child is in the custody of and resides with the petitioners herein.

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5. The name of the biological mother of the child is Carmen Celina Granados Vargas. The name of the biological father of the child is Ramon Elias Quintero Mendible. They are of lawful age and under no legal disability.

6. The mother, Carmen Celina Granados Vargas, surrendered her child to the petitioners herein on the 11th day of December 1981, and the minor has resided with the petitioners since that date. The mother has consented in writing to the adoption of this child, and her consent was acknowledged as required by law and is valid.

7. The father, Ramon Elias Quintero Granados, has abandoned and deserted his child for a period in excess of three months immediately preceding the filing of the Petition for Adoption in this cause, and he has failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of his child. The said father is therefore an unfit person and his consent to this adoption is not necessary.

8. No orders have been entered in any Court affecting the custody, adoption or parental rights of the said child, except the orders heretofore entered in this proceeding.

9. The child is in the custody of the petitioners herein and has resided with them for a period in excess of six months since the date of the entry of the Interim Order in this cause which granted them temporary custody.

10. The petitioners are reputable persons of good moral character with sufficient ability and financial means to rear, nurture and educate the said child in a suitable and proper manner.

11. The allegations of the Petition for Adoption are true and proven as therein alleged and it is fit and proper and for the best interests of the minor sought to be adopted that the prayer of the Petition for Adoption be granted.

It is therefore *ordered* that from this date, Alejandro Alberto Quintero Granados, a minor, shall be to all legal intents and purposes, the child of the petitioners, Donald H. Lockwood and Kathryn L. Lockwood, husband and wife, and for the purposes of inheritance and all other legal incidents and consequences, shall be the same as if he had been born to the petitioners in lawful wedlock.

It is further *ordered* that the name of the child shall be changed to Alexander Albert Lockwood.

Dated: April 27, 1982.

JUDGE EUGENE L. WACHOWSKI,
Judge Circuit Court.

Attorney: Stephen N. Sira, 208 S. LaSalle Street, Chicago, IL, FR. 2-6447.

(Original seen and returned, 12/12/85, Mary T. Ford, SA.)
I hereby certify the above to be correct.
Date: April 27, 1982.

MORGAN M. FINLEY,
Clerk of the Circuit Court of Cook County, IL.

This order is the command of the Circuit Court and violation thereof is subject to the penalty of the law.

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STATE OF ILLINOIS, COUNTY OF COOK, SS

I, Morgan M. Finley, Clerk of the Circuit Court of Cook County, County Division, and the keeper of the records and files thereof, in the State aforesaid, do hereby certify the above and foregoing to be a true, perfect and complete copy of Certificate of Consent in said Court Case No. 82 CO A 405, consent of CARMEN CELINA GRANADOS VARGAS as mother and legal guardian of ALEJANDRO ALBERTO QUINTERO GRANADOS.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the deal of said Court, at Chicago, in said County, December 23, 1985.

MORGAN J. FINLEY, *Clerk.*

CERTIFICATE OF CONSENT

By means of this document I, Carmen Celina Granados Vargas of de nation of Venezuela y the city of Caracas with the document of identity number 197607 by the power confered on me by the fourth Tribunal of minors on July 22, 1976 as the mother and legal guardian of Alfjandro Alberto Quintero Granados as the result of my devorce from his father, Ramon Elias Quintero Mendible. By this Authority I give my consent, freely, for his adoption to Donald and Katherine Lockwood residents and Citizens of Chicago, Illinois USA.

CARMEN CELINA GRANADOS VARGAS.

Filed March 22, 1982.

MORGAN M. FINLEY,
Clerk of the Circuit Court.

REPUBLIC OF VENEZUELA, CITY OF CARACAS, EMBASSY OF THE UNITED STATES OF AMERICA, SS

I, Jean Martin Vice Consul of the United States of America at Caracas, Venezuela, duly commissioned and qualified, do hereby Certify that on this 16th day of February 1982 before me personally appeared Carmen Celina Granados Vargas, to me personally known, and known to me to be the individual described in, whose name is subscribed to and who executed the annexed instrument, and being informed by me of the contents of said instrument she duly acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and official seal the day and year last above written.

Dated: February 16, 1982.

JEAN MARTIN,
Vice Consul of the United States of America.

Mr. Russo, the author of the bill, provided the following statement in support of this legislation.

H.R. 3323

I am happy to have the opportunity to appear before you today on behalf of a family from my district. I was recently contacted by Mr. and Mrs. Donald Lockwood who wrote to notify me of their

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problem concerning their adopted son, Alexander, now twenty years old. In 1981, shortly after the sudden and tragic death of their ten-year-old son, Michael, the Lockwoods were contacted by Mrs. Lockwood's brother, a minister in Venezuela. He urged them to allow a young man he had met in Caracas to come to visit them. The Lockwoods welcomed Alejandro Granados into their home and found him to be an unusually bright and delightful boy. As time went on, they realized that they wanted Alejandro to stay and felt that Divine Providence had sent him to them to replace their precious son. They began the necessary legal steps—home study, investigation of their resources and filing of the petition for adoption with the court. All requirements for adoption were met. He had lived with his adopted parents for two years. His mother freely surrendered her rights; his father had abandoned the family much earlier. At no time, was the question of his status with immigration mentioned or questioned. In Circuit Court on April 27, 1982, Alejandro Granados officially was adopted by the Lockwoods and became Alexander Lockwood. He was seventeen years old at the time. Only in subsequent action did the Lockwoods discover that although they believed that they had complied with all facets of law, Alexander was, in fact, not legally here in regard to the law of the U.S. Immigration Service. They were made aware of this when they applied for passports. Although Alexander's visa expired four years ago, he has never been contacted by immigration in regard to his status. At this point, immigration cannot accept a petition to change Alexander's status because of his age. Adoptions, under immigration law, must take place before a child's fourteenth birthday. It would appear that the only remedy left which would secure legal status for Alexander would be through the means of the private legislation which I have introduced. The Lockwoods took a risk when they asked me to introduce this bill; they know that, as a result, the INS would be notified of Alexander's illegal presence which would leave him open to deportation hearings. But they didn't want to knowingly break the law and spend the rest of their lives wondering if the illegality would be discovered. I hope that you will share my sympathies for the Lockwoods and help me to find a favorable resolution to this problem. Thank you again for letting me appear before you this morning.

MARTY RUSSO.

THE UNIVERSITY OF ILLINOIS AT CHICAGO,
Chicago, IL, February 7, 1985.

Mr. ALEXANDER LOCKWOOD,
Chicago, IL.

DEAR MR. LOCKWOOD: One of my most pleasant duties is to honor those students whose noteworthy academic achievements during a quarter entitle them to inclusion on the Dean's List. I am writing to congratulate you for being named to the Dean's List for the Fall Quarter 1985.

The Dean's List is compiled according to criteria established by the Faculty of the College of Liberal Arts and Sciences to honor those students completing at least 12 hours of course work in a quarter with a grade point average of at least 4.5. All courses

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taken on a pass/fail basis must be graded as a "pass." I consider this achievement one in which you can take pride.

On behalf of the Faculty of the College of Liberal Arts and Sciences, I extend to you my best wishes for continued success in your academic pursuits.

Sincerely yours,

JAY A. LEVINE,
Acting Dean.

CHICAGO, IL, *February 26, 1986.*

To Whom It May Concern:

My wife and I have known the Lockwood family for over 10 years. They have a lovely family, have raised their children in church and are God fearing honest people.

They have been very good parents to Alexander and have shown care and concern for him in every way that parents should. If all kids could be cared for like Alex has been, there would not be so many juvenile delinquents in our country.

I'm proud to have them as my friends.

Mrs. Lockwood taught in our church school for three years for no wages so that the children could be helped.

Donald Lockwood is a hard working sincere person that has provided for his entire family in as good way as possible.

Sincerely yours,

MILO BALDWIN.

Subscribed and sworn to before me this 26th Day of February 1986 in Chicago, Country of Cook, State of Illinois, Helen F. Ciepiela, Notary Public.

My Commission Expires 12-13-87.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 3323, as amended, should be enacted and accordingly recommends that the bill do pass.

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